

**BOARD OF APPEALS CASE NO. 5238**

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**BEFORE THE**

**APPLICANTS: Edward & Jennifer Lotz**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct an addition  
within the required rear yard setback;  
420 Trimble Road, Joppa**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 3/20/02 & 3/27/02**

**HEARING DATE: May 13, 2002**

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**Record: 3/22/02 & 3/29/02**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Edward and Jennifer Lotz, are requesting a variance, pursuant to Ordinance 6, Section 10.05 of the 1957 Harford County Zoning Regulations, to allow an addition within the 40-foot rear yard setback (36 feet requested) in an R3/CDP Urban Residential/Community Development Project District.

The subject parcel is located at 420 Trimble Road, Joppa, Maryland 21085 and is more particularly identified on Tax Map 65, Grid 3A, Parcel 712, Lot 10. The parcel is 80 feet by 110 feet, is zoned R3/CDP and is entirely within the First Election District.

The Applicant, Jennifer Lotz, appeared and testified that she and her husband own the subject parcel. They want to add additional living space to their home by constructing a 2-story addition on the rear of the house. The addition will be 14 feet by 20 feet in dimensions and will be 2 stories in height. Mrs. Lotz indicated that most of the homes in her neighborhood were setback on the lot only 25 feet but her home and another are setback 35 feet, severely decreasing the size of the rear yard compared to other homes in her neighborhood. Additionally her yard is elevated above the yard of the neighbor to the rear by about 6 feet so the Applicant did not think that neighbor would be visually impacted at all by the addition. The witness stated that the addition will make her home far more comfortable and should improve the appearance and value of her home. The witness also pointed out that a similar request was made by her neighbors, the Donald G. Smiths, at 418 Trimble Road. Pursuant to the decision, now final, in Board of Appeals case 5124, that parcel was held to be unique because of the increased front yard setback and allowed a minor encroachment into the rear yard setback as a result.

## **Case No. 5238 – Edward & Jennifer Lotz**

The Department of Planning and Zoning recommends approval of the subject request finding the proposal minor in nature and resulting in no impacts to adjacent properties or the intent of the Code.

### **CONCLUSION:**

The Applicants, Edward and Jennifer Lotz, are requesting a variance, pursuant to Ordinance 6, Section 10.05 of the 1957 Harford County Zoning Regulations, to allow an addition within the 40-foot rear yard setback (36 feet requested) in an R3/CDP Urban Residential/Community Development Project District.

In this case, the Hearing Examiner finds that the subject property is unique in that it is setback 10 feet further in the front than other homes generally found in this neighborhood. This increased front yard setback results in a decreased rear yard building envelope. Additionally, the Applicants' property sits about 6 feet higher in elevation than the parcel to the rear of their home which contributes to minimizing any impacts that could result from a decreased rear yard setback. The reduction to the setback is only 4 feet, which is very minor in nature and should not result in any adverse impacts to adjoining properties or their use and enjoyment by the Applicants' neighbors.

The Hearing Examiner recommends approval subject to the following conditions:

1. The Applicants obtain any and all necessary permits and inspections
2. No business use be made of this additional living space without first obtaining a Home Occupations permit to allow such use, if any.

Date     MAY 29, 2002

William F. Casey  
Zoning Hearing Examiner